

REMARKS

Claims 1-21 were previously pending in this application, with Claims 1, 16 and 20 being the only independent claims. Claim 2 has been canceled without prejudice. Claims 1, 3, 7, 8, 16, 19, 20 and 21 have been amended herein. Applicant submits that no new matter has been added by way of the amendments. Applicant respectfully requests entry of the amendments, and reconsideration of the application in view of the foregoing amendments and the following remarks.

I. AMENDMENTS TO THE CLAIMS

Claims 1, 3, 7, 8, 16, 19, 20 and 21 have been amended herein. No new matter has been added and applicant respectfully requests entry of the amendments.

For clarity, independent Claim 1 has been amended to recite that the swivel is selectively movable between an open position in which the opening is of a first size allowing the toggle bar to pass through the opening and a locked position in which the swivel impinges into the opening to reduce the opening to a second size preventing the toggle bar from passing through the opening. Support for the amendment can be found, for example, in original Claims 2 and 3. No new matter has been added and entry of the amendment is respectfully requested.

Dependent Claim 3 has been amended to delete duplicative language appearing in independent Claim 1 as amended. No new matter has been added and entry of the amendment is respectfully requested.

For clarity, dependent Claim 7 has been amended to correspond to the language appearing in independent Claim 1 as amended. Specifically, the "first position" was changed to the "open position" recited in Claim 1, the "second position" was changed to the "locked

position” recited in Claim 1, and the “second open area” was defined as being smaller than the “first open area.” No new matter has been added and entry of the amendment is respectfully requested.

For clarity, dependent Claim 8 was amended to substitute “swivel” for “toggle clasp” as recited in independent Claim 1 and to delete certain language considered unnecessary to define the invention. No new matter has been added and entry of the amendment is respectfully requested.

For clarity, independent Claim 16 was amended to recite that “the opening is of a first size” allowing the male toggle member to pass through the opening and that the opening is reduced “to a second size” when the protruding member impinges into the opening preventing the male toggle member from passing through the opening. Support for the amendment can be found, for example, in original Claim 2. No new matter has been added and entry of the amendment is respectfully requested.

For clarity, dependent Claim 19 was amended to substitute “protruding member” for “swivel” as recited in independent Claim 16. No new matter has been added and entry of the amendment is respectfully requested.

For clarity, independent Claim 20 was amended to recite that “the opening is of a first size” allowing the male toggle member to pass through the opening and that the opening is reduced “to a second size” when the swivel impinges into the opening to prevent the male toggle member from passing through the opening. Support for the amendment can be found, for example, in original Claim 2. No new matter has been added and entry of the amendment is respectfully requested.

Finally, independent Claim 20 and dependent Claim 21 were each amended to delete the unnecessary language “the steps of” from the transitional phrase. No new matter has been added and entry of the amendment is respectfully requested.

II. THE CLAIMS ARE PATENTABLE

A. None of the Claims Are Anticipated By The Madsen '384 Patent

Original Claims 1-6, 9-11, 14-18 and 20 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 1,794,384 to Madsen (“Madsen '384 patent”). Applicant respectfully submits that all of the pending claims are patentable over the Madsen '384 patent. Reconsideration and withdrawal of the rejection are respectfully requested.

Independent Claims 1, 16 and 20 (as originally filed or as amended) recite that the swivel or protruding member is selectively movable between an open position in which the opening is of a first size allowing the toggle bar or male toggle member to pass through the opening, and a locked or closed position in which the swivel or protruding member impinges into the opening to reduce the opening to a second size preventing the toggle bar or male toggle member from passing through the opening. Thus, all of the pending claims require a locked or closed position in which a swivel or protruding member *impinges into* an opening in a toggle clasp *to reduce the size of the opening* to prevent the toggle bar or male toggle member from passing through the opening.

In contrast, this limitation is neither taught nor suggested by the Madsen '384 patent. The Madsen '384 patent describes a coupling device that functions *as a clamp*. The Madsen '384 patent specification states that the “disc-portion 16 *descends tightly upon, or*

presses against, the bar 18 of member 12, thereby absolutely preventing any disengagement of the said members 11 and 12.” (Madsen ’384 patent, col. 2, lines 78-82) (*emphasis added*). Similarly, the Madsen ’384 patent claims recite “a *clamping* disc pivotally mounted on the said ring element” and “an insertable bar *adapted to rest between the said disc and the ring element*.” (Madsen ’384 patent, Claim 1) (*emphasis added*).

The Madsen ’384 patent, therefore, teaches a coupling device in which an insertable bar is *clamped* between a pivotal clamping disc and a ring element. The clamping disc 16 in the Madsen ’384 patent does not *impinge into* or *reduce the size* of the central opening in the annular ring-portion 13 to prevent bar 18 from passing through the opening. Thus, the Madsen ’384 patent does not teach or suggest use of a swivel (protruding member) that *impinges into* an opening in a toggle clasp *to reduce the opening* to a second size preventing the toggle bar (male toggle member) from passing through the opening, as recited in the pending claims.

Accordingly, applicant respectfully submits that independent Claims 1, 16 and 20, and all of the remaining claims depending therefrom, are patentable over the Madsen ’384 patent. Entry of the amendment and reconsideration and withdrawal of the rejection are respectfully requested.

B. Dependent Claims 7, 12 & 13 Are Nonobvious

Dependent Claims 7, 12 and 13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Madsen ’384 patent in view of U.S. Patent Appl. Pub. No. 2004/0139586 A1 (“Fox ’586 appln.”). Applicant respectfully submits that dependent Claims 7, 12 and 13 are nonobvious over either reference, taken alone or in combination. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 7, 12 and 13, due to their dependency on independent Claim 1, require a locked position in which a swivel *impinges into* an opening in a toggle clasp *to reduce the size of the opening* to prevent the toggle bar from passing through the opening. Neither the Madsen '384 patent nor the Fox '586 appln. teach or suggest use of a swivel that *impinges into* an opening *to reduce the size* of that opening.

As discussed above, the Madsen '384 patent discloses a coupling device that functions as a *clamp*. The clamping disc 16 in the Madsen '384 patent does not *impinge into* or *reduce the size* of the central opening in the annular ring-portion 13 to prevent bar 18 from passing through the opening. Rather, the disc 16 pivots about the opening to clamp the insertable bar 18 between the disc and the ring portion 13.

Similarly, the Fox '586 appln. discloses a locking clasp 1 having a swivel cover 2 that pivots about a clasp body 3 *to cover* a portion of the body aperture 13. As is plainly shown in the drawings of the Fox '586 appln. and evidenced by the name selected by Fox to describe it, the swivel *cover 2 covers* the body aperture 13, but *does not impinge into* the aperture *to reduce the size of that aperture*, as required by the pending claims.

Accordingly, for at least these reasons, applicant respectfully submits that dependent Claims 7, 12 and 13, and all of the remaining claims, are patentable over the Madsen '384 patent and the Fox '586 appln., considered alone or in combination. Entry of the amendments, and reconsideration and withdrawal of the rejection are respectfully requested.

C. Dependent Claims 8, 19 & 21 Are Nonobvious

Dependent Claims 8, 19 and 21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Madsen '384 patent in view of U.S. Patent No. 5,410,784 to Katz

("Katz '784 patent"). Applicant respectfully submits that dependent Claims 7, 12 and 13 are nonobvious over either reference, taken alone or in combination. Reconsideration and withdrawal of the rejection are respectfully requested.

For the reasons set forth above with respect to independent Claims 1, 16 and 20, applicant respectfully submits that dependent Claims 9, 19 and 21 are nonobvious over the Madsen '384 and Katz '784 patents. Neither the Madsen '384 patent nor the Katz '784 patent teach or suggest use of a swivel that *impinges into* an opening *to reduce the size* of that opening.

Accordingly, for at least this reason, applicant respectfully submits that dependent Claims 8, 19 and 21, and all of the remaining claims, are patentable over the Madsen '384 patent and the Katz '784 patent, considered alone or in combination. Entry of the amendments, and reconsideration and withdrawal of the rejection are respectfully requested.

CONCLUSION

Based on the foregoing amendments and remarks, applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of this application.

A petition and fee for an extension of time (1 month) accompanies this paper.

In the event any issues remain and the Examiner believes they could potentially be resolved as part of a telephone conversation, the Examiner is urged to contact the undersigned at the phone number indicated.

The Commissioner is authorized to charge any additional fees required for the extension of time or consideration of this Amendment on the merits to **Deposit Account No. 13-4500, Order No. 4419-4068**.

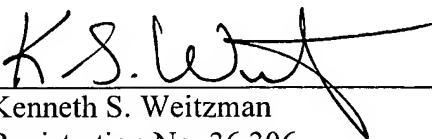
Appl. No. 10/697,607
AMDT. & RESP. dated March 17, 2005
Reply to Office Action of Dec. 15, 2004

Docket No. 4419-4068

Respectfully submitted,
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Dated: March 17, 2005

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